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RUEHBJ/AMEMBASSY BEIJING 1890  
RUEHKO/AMEMBASSY TOKYO 2596  
RUEHUL/AMEMBASSY SEOUL 1504  
RUEKJCS/JOINT STAFF WASHDC  
RUEAIIA/CIA WASHDC  
RHEFAAA/DIA WASHDC  
RUEKJCS/SECDEF WASHDC 1935  
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SENSITIVE

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SUBJECT: KAZAKHSTAN: ZHOVTIS UNDERSTANDABLY PESSIMISTIC ABOUT REFORM

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\* Missing Section 001 \*  
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this," he continued. Zhovtis asserted that he fully understands the motivations behind "the political war" Mukhtar Ablyazov launched against President Nazarbayev's powerful son-in-law Timur Kulibayev. "Maybe this is the way to get results," he said. (NOTE: Ablyazov, the ousted former chairman of Bank Turan Alem (BTA) in self-imposed exile in London, has publicly accused Kulibayev of receiving major kick-backs from the Chinese for oil contracts signed in 2003-2005 (ref B). END NOTE.)

"RESPECT YOUR PRINCIPLES"

15. (SBU) Zhovtis offered the following advice to the international community. "Lose your illusions," he said. "This system will not be reformed quickly." Secondly, he urged Western countries to "respect yourself and your principles" and to criticize Kazakhstan openly when such criticism is deserved. He underlined that he was not speaking about his case specifically, but about the Internet law, the privacy law, and the trial against former director of Kazatomprom Mukhtar Dzhakishev (ref C). He asserted that a new generation of Kazakhstanis was growing up in a "culture of legal nihilism. What you (the diplomatic community) do and say behind closed doors certainly plays a role," he asserted, "but regular people only know what they see in the media."

LIFE IN THE COLONY

16. (SBU) On his living conditions, Zhovtis said the penal colony is a mix "between Soviet army barracks and a young pioneer camp." He said he sleeps in a large dormitory with 69 other convicts. Everyone must get up at 6 am, go to bed at 9:30 pm, and have their meals at strictly appointed times. Most convicts perform manual jobs outside the penal colony, except for Zhovtis and Kuchukov, who have been given jobs as warehouse keepers on the compound. There are no computers on the compound, even in the administrative offices, but the administration allows visitors to bring newspapers for the convicts. (NOTE: The guards also let PolOff bring a large stack of U.S. magazines for Zhovtis, although they carefully flipped through each one. END NOTE.) According to Zhovtis, opposition newspapers "Respublika," "Svoboda Slova," and independent newspaper "Vzglyad"

are readily available and widely read. Zhovtis' wife, who was in Ust-Kamenogorsk at the same time as PolOff, and his lawyer Vitaliy Voronov are able to visit him fairly frequently. Zhovtis seems to be well-regarded by the guards and penal colony administration.

17. (SBU) COMMENT: Zhovtis seemed to be in generally good spirits, although he is, understandably, deeply disillusioned with Kazakhstan's legal system. The fact that he would consider leaving Kazakhstan for good, albeit only if he is forced to apply for a pardon, is jarring news, and it would be a serious blow to Kazakhstan's civil society development. Nevertheless, Zhovtis is still hopeful that the Supreme Court will likely issue a positive decision in his case. His lawyer filed a motion for review on January 27, and the Supreme Court was supposed to decide by February 27 whether to accept the case for review. That review period was extended indefinitely, however, when the court requested further documentation from the lower courts. If the Supreme Court does accept the case, it must issue a verdict within a month. In the meantime, the Kazakhstani authorities seem eager to showcase their transparency and are open to letting the international community visit Zhovtis. Though the approval process for this visit was sluggish (it took six weeks), that could change as other diplomatic missions apply for permission to visit. We have requested permission for two Helsinki Commission staffers to visit Zhovtis when they are in Kazakhstan March 2-10. European missions in Astana are also considering sending a representative within the next month. END COMMENT.

HOAGLAND